

ARREST OF SRI M. S. KRISHNAN—ANNOUNCEMENT AND A QUESTION OF PRIVILEGE RAISED IN CONNECTION WITH HIS ARREST.

Mr. SPEAKER.—I have received a communication dated 13th December 1967 from the Commissioner of Police, Bangalore, that Sri M. S. Krishnan, Member of the Legislative Assembly, has been arrested at 6-15 A.M. on 13th December 1967 under sections 143, 147, 148, 149, 324, 332 and 435 of the I. P. C. in connection with the incidents of rioting and arson in and around Kirloskar Electric Co., Malleswaram, Bangalore.

Sri DIGAMBAR RAO B. KALMANKAR (Aland).—Are there any more Sections ?

Mr. SPEAKER.—Members do not have a sense of respect for rules. I have not finished even reading.

(Sri Vatal Nagaraj rose)

Order, order. Should I not read the communication, completely ? What kind of impatience is this ?

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್ (ಚಿಕ್ಕಪೇಟೆ).—ತಮ್ಮ ಗಮನಕ್ಕೆ ಒಂದು ವಿಷಯವನ್ನು ತರುತ್ತೇನೆ.

Mr. SPEAKER.—If there is any question of privilege, it must be taken up after I complete the reading.

ಶ್ರೀ ಎ. ಎನ್. ಪಾಟೀಲ್ (ಹುಮ್ಮಾಬಾದ್).—ಓದಿ ಸಾರ್.

Mr. SPEAKER.—That is a very nasty and bad remark. I do not know which Member said it. Do I want his permission to read ? The Member will resume.

Sri V. N. PATIL.—I meant no discourtesy, Sir. If I have wounded your feelings, I want to explain.

Mr. SPEAKER.—I will give him a chance if he wants to explain. Even before I have read and completed the sentence, the Members interrupt. It is happening not once. The result is, time is consumed without any purpose. If this is the method that is to be adopted, let it be. I will allow everybody to talk but the scheduled work will go unattended to towards the end. Should I not read the communication ? It is the bounden duty of the Speaker to make certain announcements. I am dealing with every one of the explanations and objections that arise.

“He has been lodged in Rajajinagar Police Station and will be produced before the jurisdiction Magistrate to-day.”

I have also received from Mr. Kalmankar what he calls a question involving “a breach of privilege,” committed by the Police towards an hon. Member of this House. I do not know whether the Member has read what ‘privilege’ is. Would the member enlighten the House : if a Member is taken into custody under the penal provisions, whether privilege comes in. He may kindly explain to the House.

Sri DIGAMBAR RAO B. KALMANKAR.—My respectful submission is that the Hon member Sri Krishnan was here and he was attending this session yesterday throughout the day. It is understood that the incident that took place at Kirloskar Factory was much earlier when he was attending the session here. It is very curious to note that he was arrested this morning only. That has no relevance to the incident which has admittedly taken place earlier. Circumstances go to show that there has been a breach of privilege by the sudden arrest of an hon. member who has attended this Assembly throughout yesterday.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಘರ್ಷಣೆಗಳು ಆಗುವಾಗ ಪೊಲೀಸಿನವರ ಮೇಲೆ ಗುಂಡು ಹಾಕುವುದಕ್ಕೆ ಮತ್ತು ಅವರ ಮೇಲೆ ರಾಠಿ ಚಾರ್ಜ್ ಮಾಡುವುದಕ್ಕೆ ಈ ದೇಶದ ಜನತೆಗೆ ಯಾವಾಗ ಅಧಿಕಾರವನ್ನು ಕೊಡುತ್ತೀರಿ? ಜನ ತಪ್ಪು ಮಾಡಿದರೆ ಅವರು ಜನಗಳ ಮೇಲೆ ಹೆಚ್ಚಾಗಿ ಬಲ ಪ್ರಯೋಗ ಮಾಡುವ ರೀತಿಯಲ್ಲಿ ಜನತೆಯೂ ತಪ್ಪಿತಸ್ತರಾದ ಪೊಲೀಸಿನವರ ಮೇಲೆ ಅದೇ ರೀತಿಯಲ್ಲಿ ಬಲ ಪ್ರಯೋಗಮಾಡುವ ಅಧಿಕಾರ ನಮ್ಮ ಜನಗಳಿಗೆ ಇರಬೇಡವೇ? ಮಂತ್ರಿಗಳಿಗೆ ಗುಂಡು ಹಾಕುವುದಕ್ಕೆ ನಮಗೆ ಅಧಿಕಾರವಿದೆ ಆದರೆ ಪೊಲೀಸಿನವರಿಗೆ ಗುಂಡು ಹಾಕುವುದಕ್ಕೆ ಯಾವಾಗ ನಮಗೆ ಅಧಿಕಾರ ಕೊಡುತ್ತೀರಿ? ತಾವೇನಾದರೂ ಇದರ ಬಗ್ಗೆ ನಮಗೆ ಒಂದು ಕೂ ಕೊಡುತ್ತೀರಾ?

Mr. SPEAKER.—Order. Should I not dispose this of? I do not like members standing and talking as they like.

Now, I would like to know from Sri Digambara Rao when under the provisions of the Penal Code a person is arrested, which authority says that privileges come in?

ಶ್ರೀ ಅಜೀಜ್ ಸೇಟ್ (ನರಸಿಂಹರಾಜ).—ಈ ವಿಚಾರ ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಹೇಗಾಗುತ್ತದೆಂಬುದನ್ನು ನಾನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಹೇಳಬೇಕಾಗುತ್ತದೆ. ನಾನು ಒಬ್ಬ ಸದಸ್ಯ. ತಮಗೆ ಸ್ವಲ್ಪ ಆ ವಿಷಯದಲ್ಲಿ ಎನ್‌ಲೈಟನ್ ಮಾಡಬಹುದೆಂಬ ಆಸೆಯಿಂದ ನಾನು ಎದ್ದು ನಿಂತಿದ್ದೇನೆ. ತಾವು ನನ್ನನ್ನು ಕರೆಯುತ್ತೀನೆಯೆಂದು ಹೇಳಿದರೆ ಸುಮ್ಮನೆ ಇದ್ದೆ. ನ್ಯಾಯಬದ್ಧವಾಗಿ ಕುಳಿತಿದ್ದೆ. ತಮಗೂ ವಿಷಯಗಳು ಗೊತ್ತಿವೆ, ಸ್ವಲ್ಪ ವಿಷಯಗಳನ್ನು ನಾನು ತಿಳಿಸಬೇಕೆಂದಿದ್ದೇನೆ. ತಾವು ಸ್ವಲ್ಪ ತಾಳ್ಮೆಯಿಂದ ಕೇಳಬೇಕು. ಇಲ್ಲದಿದ್ದರೆ ನಾವು ವಿಷಯಗಳನ್ನು ಹೇಗೆ ಹೇಳುವುದಕ್ಕಾಗುತ್ತದೆ? ಇಲ್ಲ ಸುಮ್ಮನೆ ಬಂದು ರುಜು ಹಾಕಬೇಕು, ಸಭೆಯಲ್ಲಿ ಸುಮ್ಮನೆ ಕುಳಿತುಕೊಳ್ಳಬೇಕು, ಏನಾದರೂ ಸಮಾಚಾರ ಬೇಕಾದರೆ ಕೇಳಬೇಕು. ಅದಕ್ಕೆ ಕೂಡ ನಮಗೆ ಸಾಕಷ್ಟು ಅವಕಾಶವನ್ನು ಕೊಡುತ್ತಾ ಇಲ್ಲ. ನನ್ನ ವಿಷಯಗಳನ್ನು ತಾವು ಕೇಳಿದ್ದರೆ, ಇದು ಪ್ರಿವಿಲೇಜ್ ಹೇಗೆ ಆಯಿತು ಎಂದು ತಾವು ಕೇಳಬೇಕಾದ ಅವಶ್ಯಕತೆಯೇ ಬರುತ್ತಿರಲಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ನಾನು ನಿಮ್ಮನ್ನು ಕೇಳಲಿಲ್ಲ.

ಶ್ರೀ ಅಜೀಜ್ ಸೇಟ್.—ನನಗೆ ದಯವಿಟ್ಟು ಕಾರಾವಕಾಶಮಾಡಿಕೊಡಿ.

Mr. SPEAKER.—The Member will kindly resume his seat.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ನಾನು ಆ ಮಾನ್ಯ ಸದಸ್ಯರ ಜೊತೆಯಲ್ಲಿದ್ದೆವೆ. ನಾನು ಕೆಲವು ವಿಚಾರಗಳನ್ನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಹೇಳಬೇಕಾಗುತ್ತದೆ. ಕೈ ಮುಗಿದು ತಮ್ಮನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ನಮ್ಮನ್ನು ತಾವು ಸ್ಪೀಕರ್ ಬಾಯ್ಸ್ ಹಾಗೆ ಕಂಡಹಾಗಾಗುತ್ತದೆ.

Mr. SPEAKER.—Order, Order. I must say this particular member behaves worse than an elementary school boy.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ಸ್ವಾಮಿ, ತಾವು ಕೋಪ ಮಾಡಿಕೊಳ್ಳಬಾರದು, ತಾವು ಸ್ವಲ್ಪ ಸಮಾಧಾನ ತೆಗೆದುಕೊಳ್ಳಬೇಕು.

Mr. SPEAKER.—Order, order.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ಈ ಸಭೆಯ ಮಾನ್ಯ ಸದಸ್ಯರೊಬ್ಬರಿಗೆ ಆಗಿರತಕ್ಕಂಥ ದುರಂತವನ್ನು ತಮ್ಮ ಮೂಲಕ ನಾವು ವಿಚ್ಛಾಪನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದೇವೆ. ತಾವು ಈ ರೀತಿ ಕೋಪ ಮಾಡಿಕೊಂಡರೆ ಹೇಗೆ? ತಾವು ಕೋಪಿಸಿಕೊಳ್ಳಬೇಡಿ, ನಮಗೆ ವ್ಯಥೆಯಾಗುತ್ತದೆ.

Mr. SPEAKER.— Order, order.

If the member really feels what he says or ridicules himself, he ridicules the House. When I am continuously standing and requesting him to resume his seat, he has said all that. Let him not get up again.

ಶ್ರೀ ವಾಚಾಪ್ ನಾಗರಾಜ್.—ಪಾನ್ಯ ಸದಸ್ಯರೊಬ್ಬರ ವಿಷಯದಲ್ಲಿ ನಡೆದಿರತಕ್ಕ ವಿಷಯವನ್ನು, ಈ ಸಭೆಯಲ್ಲಿ ಹೇಳಬೇಕಾಗಿದೆ.

Mr. SPEAKER.—Order, order. This amounts to impudence. The hon'ble member will give an unqualified apology to the House. If he does not, I ask him to retire from the House.

ಶ್ರೀ ವಾಚಾಪ್ ನಾಗರಾಜ್.—ನಾನು ಅವಲಂಬಿ ಕೇಳುವುದಿಲ್ಲ, ಬೇಕಾದರೆ ಹೊರಗಡೆ ಹೋಗುತ್ತೇನೆ.

(The member left the House.)

Mr. SPEAKER.—Sri Digambar Rao B. Kalmankar will kindly tell me how the arrest in enforcement of the sections of the Indian Penal Code is a breach of privilege.

Sri B. P. GANGADHAR (Tumkur).—Sir, before that, I would like to speak a couple of words.

Mr. SPEAKER.—I will give chances later on. I am to give consent or ruling.

Sri B. P. GANGADHAR.—On the very same matter I wanted to say a few words by way of supplementing.

Mr. SPEAKER.—Are we to burn the rules? Is their the Leader of the Opposition who can control his partymen or am I to deal with matters myself?

Sri S. SIVAPPA (Sravanabelgola).—He is only trying to supplement his arguments. You requested some members to throw light on the matter.

Mr. SPEAKER.—I have not asked every member.

Sri S. SIVAPPA.—As a lawyer he is trying to enlighten the House. What is wrong? Because you yourself requested.

Mr. SPEAKER.—Did I ask? I asked Sri Digambara Rao B. Kalmankar. If what Sri Sivappa says is accepted, then all the other 216 members can get up as they like.

Sri S. SIVAPPA.—That hon'ble member requested you for permission and if that is not given so many things happen. When a request is made in the right manner it is for you to give.

Mr. SPEAKER.—Let the position be very clear, if there is anything implied in that if you don't give permissionShould I not call upon the member who has addressed me? After that I will see whether any time should be given.

Sri B. P. GANGADHAR.—I only requested permission. When it is denied, I will sit down.

† DIGAMBAR RAO B. KALMANKAR.—Sir, my submission is that the hon'ble member Sri M. S. Krishnan was attending this Assembly to the last yesterday and as it has appeared in Papers the occurrence was on the previous day and from the newspapers it does not appear that he was in anyway connected with the strike or was he among the people who were on strike. The circumstances under which he has been all of a sudden arrested in the morning are not above suspicion. It appears that his arrest has been made without any valid reason and particularly so when it has appeared that the conditions were very normal yesterday. His arrest today morning is without any justification. Under these circumstances, there is a breach of privilege of the hon. Member.

† Sri B. P. GANGADHAR.—Sir, all of us are aware that yesterday the hon. Member Sri M. S. Krishnan was here and participated in the deliberations of this House and today his services are not there. I am really sorry that this House is losing the valuable services of a friend like Krishnan. It was alleged that he was abetting the incidents in connection with the strike; it could not be so for the simple reason that he was here and taking part in the deliberations of this House. So, what has been submitted in the House is prima facie incorrect and mischievous; it must be a deliberate concoction and far from the truth. So, I submit, Sir, that this is a definite matter of breach of privileges because an hon. Member has been prevented from discharging his duties in this House and participating in the deliberations of this House. So, I support the contention of my hon. Friend Sri Kalmankar that this is a breach of privilege.

ಶ್ರೀ ಅಜೀಜ್‌ಸೇಠ್.—ಪ್ರಿವಿಲೇಜ್ ಹೇಗೆ ಆಗುತ್ತದೆ ಅದು ಹೇಗೆ ಹುಟ್ಟುತ್ತದೆ ಎಂಬುದು ಬಹಳ ಸಿಂಪಲ್ ಆಗಿದೆ. ಏತಕ್ಕೆ ಎಂದರೆ, ನನ್ನ ದಿವಸ ಸಾಯಂಕಾಲ 6 ಗಂಟೆಯವರೆಗೆ ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಕೃಷ್ಣನ್ ಅವರು ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಇದ್ದರು. ಕಿರ್ಲೋಸ್ಕರ್ ಎರೆಕ್ಟಿಕ್ ಕಂಪನಿಯ ಬಗ್ಗೆ ಶ್ರೀ ಕೃಷ್ಣನ್ ಅವರು ತಮಗೆ ಏನು ಒಂದು ನಿಲುವಳಿ ನೂತನವನ್ನು ಕಳಿಸಿದ್ದಾರೋ ಅದಕ್ಕೆ ಬಹುಶಃ ನಾನು ಸಹಿ ಮಾಡಿದ್ದೇನೆ. ಕೆಳಗಿನ ದರ್ಜೆಯ ಫೋಲೀಸ್ ಅಧಿಕಾರಿಗಳು ತಮ್ಮ ಮೇಲೆ ಏನಾದರೂ ಆರೋಪ ಬರಬಹುದೆಂದು ಶ್ರೀ ಕೃಷ್ಣನ್ ಅವರನ್ನು ಕೆಲವು ಸೆಕ್ಷನ್‌ಗಳನ್ನು ತೋರಿಸಿ ಆರಿಸ್ ಮಾಡಿ ಇವತ್ತಿನದಿವಸ ಅಸೆಂಬ್ಲಿಗೆ ಬಾರದಿರುವಂತೆ ಮಾಡಿದ್ದಾರೆ. ನನ್ನ ದಿವಸ ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಇತ್ತು. ಕಿರ್ಲೋಸ್ಕರ್ ಕಂಪನಿಯ ಹತ್ತಿರ ಗಲಾಟೆ ನಡೆದಾಗ ಅಲ್ಲಿ ಶ್ರೀ ಕೃಷ್ಣನ್ ಅವರು ಇದ್ದರೆ, ಅವರನ್ನು ಫೋಲೀಸಿನವರು ನೋಡಿದ್ದರೆ ಆರಿಸ್ ಮಾಡಬಹುದಾಗಿತ್ತು. ಆದರೆ ಗಲಾಟೆ ನಡೆದ ಮೇಲೆ ಇವತ್ತು ಬೆಳಿಗ್ಗೆ ಅವರನ್ನು ಆರಿಸ್ ಮಾಡಿದ್ದಾರೆ. ಇದು ಪ್ರಿವಿಲೇಜ್ ಯಾಪ್‌ರಿತಿ ಆಗುತ್ತದೆ ಎಂಬುದನ್ನು ಹೇಳುತ್ತೇನೆ; ಅವರನ್ನು ಇಲ್ಲಂದರೇ ಆರಿಸ್ ಮಾಡಿಕೊಂಡು ಹೋಗಿದ್ದರೆ.....

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ (ಹರಿಹರ).—ಮಾನ್ಯ ಸದಸ್ಯರು ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಇತ್ತು ಎಂದು ಹೇಳಿದರು, ಯಾವುದು ಇತ್ತು; ಇತ್ತು ಎಂಬುದು ನ್ಯೂಟರ್ ಜೆಂಡರ್.

Mr. SPEAKER.—A point of order has been raised by the hon. Member Sri Siddaveerappa and he wants to know whether the word used by Mr. Azeez Sait, another hon. Member, is correct in so far as it treats somebody as a neuter gender. My mind was engrossed in one of the topics of great importance. I really feel that this is ridiculous. I am unable to uphold the point of order.

ಶ್ರೀ ಅಜೀಜ್‌ಸೇಠ್.—ನಾನು ಏನು ಹೇಳುತ್ತಿದ್ದೆಯೆಂದರೆ, ಈಗ ಅಸೆಂಬ್ಲಿ ನಡೆಯುತ್ತಿದ್ದರೂ ಸಹ ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಕೃಷ್ಣನ್ ಅವರನ್ನು ಪೋಲೀಸರು ಅರೆಸ್ಟ್ ಮಾಡಿದ್ದಾರೆ. ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಅವರನ್ನು ಅರೆಸ್ಟ್ ಮಾಡದೆ, ಬೇರೆ ಕಡೆ ಅರೆಸ್ಟ್ ಮಾಡಿರುವುದರಿಂದ ಪ್ರಿವಿಲೇಜ್ ಯಾವ ರೀತಿ ಬರುತ್ತದೆಂದು ಕೇಳಬಹುದು. ಆದರೆ ಈ ಬಗ್ಗೆ ಸ್ವಲ್ಪ ಕಾಮನ್‌ಸೆನ್ಸ್ ಉಪಯೋಗಿಸಬೇಕು. ರಾ ಮಾಡುವವರಿಗೆ ದೇವರು ಬುದ್ಧಿ ಕೊಟ್ಟಿದ್ದಾನೆ. ಶ್ರೀ ಕೃಷ್ಣನ್ ಅವರನ್ನು ಅರೆಸ್ಟ್ ಮಾಡಿರುವ ಉದ್ದೇಶ ಅವರು ಈ ಸಭೆಯ ಮುಂದಿನ ಕಾರ್ಯಕರಾಪಕಗಳಿಗೆ ಭಾಗವಹಿಸಲು ಅವಕಾಶ ಮಾಡಿ ಕೊಡಬಾರದು ಎಂದು. ಭಾಗವಹಿಸದಂತೆ ಮಾಡಿರುವುದರಿಂದ ಇದು ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಆಗುತ್ತದೆ. ಸದಸ್ಯರುಗಳು ಕಾಂಗ್ರೆಸ್ ಸದಸ್ಯರೇ ಆಗಿರಲೇ, ವಿರೋಧಪಕ್ಷದ ಸದಸ್ಯರೇ ಆಗಿರಲಿ ಅವರುಗಳು ಜನರ ಪ್ರತಿನಿಧಿಗಳಾಗಿ ಬಂದಿರುತ್ತಾರೆ. ಅಂತಹವರ ಸೇವೆಯನ್ನು ತಪ್ಪಿಸಿ ಅರೆಸ್ಟ್ ಮಾಡಿರುವುದರಿಂದ ಇದು ಪ್ರಿವಿಲೇಜ್ ಆಗುತ್ತದೆ. ಗೃಹಮಂತ್ರಿಗಳು ಜನರ ಪ್ರತಿನಿಧಿಗಳಾದ ನಮಗೆ ರಕ್ಷಣೆ ಕೊಡಬೇಕು, ಇಲ್ಲದಿದ್ದರೆ ಕಷ್ಟವಾಗುತ್ತದೆ. ಈಗ ಕಳಿಸಿರುವ ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್‌ನ್ನು ತಾವು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕು. ಅದನ್ನು ತಾವು ಬೇಕಾದರೆ ಪ್ರಿವಿಲೇಜ್ ಕಮಿಟಿಗೆ ರೆಫರ್ ಮಾಡಿ. ಈ ಬಗ್ಗೆ ಬೇರೆ ಬೇರೆ ದೇಶಗಳಲ್ಲಿ ಯಾವ ಯಾವ ಕಾನೂನುಗಳಿವೆ, ಎಂಬುದನ್ನು ನೋಡಿ ನಂತರ ಅವಕಾಶ ಕೊಡಿ. ಈಗ ದೇಶಕ್ಕೆ ಸ್ವಾತಂತ್ರ್ಯ ಬಂದಿದೆ. ಆದರೆ ಜನರಿಗೆ ಇನ್ನೂ ಬಂದಿಲ್ಲ. ನಮ್ಮ ಮಿತ್ರರು ಕಳೆದ 20 ವರ್ಷಗಳಿಂದ ರಾಜ್ಯವನ್ನು ಆಳಿದರು. ಆದರೆ ಇವತ್ತಿನ ಡೆಮಾಕ್ರಸಿ ಯಾವ ರೀತಿ ಇದೆಯೆಂದರೆ, ಡೆಮಾಕ್ರಸಿ ಬೈ ದಿ ಪೀಪಲ್ ಎಂಬ ವಾಕ್ಯದಲ್ಲಿ ಬೈ ಅನ್ನು ಬಿ.ಯು.ವೈ. ಎಂದು ಬದರಾಯಿಸಬೇಕು, ಡೆಮಾಕ್ರಸಿ ಫಾರ್ ದಿ ಪೀಪಲ್ ಎಂಬ ವಾಕ್ಯದಲ್ಲಿ ಫಾರ್ ಅನ್ನು ಎಫ್.ಎ.ಆರ್. ಎಂದು ಬದರಾಯಿಸಬೇಕು, ಡೆಮಾಕ್ರಸಿ ಆಫ್ ದಿ ಪೀಪಲ್ ಎಂಬ ವಾಕ್ಯದಲ್ಲಿ ಆಫ್ ಗೆ ಬದಲು ಒ.ಎಫ್.ಎಫ್. ಎಂದು ಬದರಾಯಿಸಬೇಕು. ಆಲ್ಟಿಗೆ ನಿಮ್ಮ ಡೆಮಾಕ್ರಸಿ ಸರಿಯಾಗುತ್ತದೆ. ಏತಕ್ಕಾಗಿ ನೀವು ಈ ರೀತಿ ಹಿಂಸೆ ಕೊಟ್ಟು ದುರಾಡಳಿತ ನಡೆಸುತ್ತಿದ್ದಿರೋ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಹಿಂದೆ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳಿಗೆ ಒಂದು ವಿಷಯ ಹೇಳಿದ್ದೆ; ಶ್ರೀ ರಾಮರಾಯರಿಗೆ ಪೋಲೀಸ್ ಮತ್ತು ರೇಬರ್ ಎರಡು ಖಾತೆಗಳನ್ನೂ ಕೊಡಬೇಡಿ, ಯಾವುದಾದರೂ ಒಂದು ಖಾತೆಯನ್ನು ಕೊಡಿ ಎಂದು. ಎರಡನ್ನೂ ಇವರಿಗೆ ಕೊಟ್ಟಿರುವುದು ತಪ್ಪಾಗಿದೆ. ಎರಡೂ ಇವರಿಗೆ ಕೊಟ್ಟಿರುವುದರಿಂದ ಜನರಿಗೆ ನ್ಯಾಯ ಯಾವ ರೀತಿ ಸಿಗುತ್ತದೆ.....

Mr. SPEAKER.—Has it got to do anything with the matter before the House ?

Sri H. SIDDAVEERAPPA.—If there is anything irrelevant, the Chair can pull up the hon. Member. We would like to know whether there is any vicarious liability on the Leader of the Opposition if any of us speaks anything.

ಶ್ರೀ ಅಜೀಜ್‌ಸೇಠ್.—ಆದ್ದರಿಂದ ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರು ನನ್ನ ಕೆಲವು ಮಾತುಗಳನ್ನು ಕೇಳಬೇಕು ; ಏನೆಂದರೆ.....

Mr. SPEAKER.—Order, order. I am not going to be dictated by this member.

Sri AZEEZ SAIT.—Sir, I am also having a status equal to that of the Chair. ತಾವು ಸ್ಪೀಕರ್ ಹುಡುಗರಿಗೆ ಹೇಳುವಂತೆ ನಮಗೆ ಹೇಳಬೇಡಿ ; ನಮಗೂ ಸಹ ಕೆಲವೊಂದು ಸ್ಪೀಚರ್‌ಗಳು ಇವೆ.

Mr. SPEAKER.—The Hon. Member will think over the remarks that he has made and will tell the House whether he still sticks to them. I will give him three minutes to consider over them.

ಶ್ರೀ ಅಜೀಜ್‌ ಸೇಠ್.—ಅದನ್ನು ನಾನು ವಿವರವಾಗಿ ಕನ್‌ಸಿಡರ್ ಮಾಡಿದ್ದೇನೆ. ತಾವು ಏನು ಹೇಳು ಶ್ರೀರೋ ಅದಕ್ಕೆಲ್ಲಾ ತಾವು ಪಾವರ್ಸ್ ಇಟ್ಟುಕೊಂಡಿದ್ದೀರಿ. ತಮಗೆ ಈ ಸಭೆಯಲ್ಲಿ ಎಲ್ಲಾ ಪಾವರ್ಸ್ ಇವೆ. ಇರತಕ್ಕ ಪಾವರ್ಸ್ ಸರಿಯಾಗಿ ಉಪಯೋಗಿಸದಿದ್ದರೆ ಅದು ಪಾವರ್ಸ್ ಆಗುವುದಿಲ್ಲ. ಅದು ಮಿಸ್ ಯೂಜ್ ಆಫ್ ಪಾವರ್ಸ್ ಆಗುತ್ತದೆ. ನಾನು ಆಗ ಎದ್ದೇ ಇರಲಿಲ್ಲ. ಆದರೂ ಕೂಡ ಕೂತುಕೊಳ್ಳಿ ಎಂದು ಹೇಳಿ ಅಧಿಕಾರ ಉಪಯೋಗ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

You can say that the Hon'ble member may resume his seat. Courtesy demands that you should speak in a polite way. I do admit that you are the monarch of the House and you can do and undo things. But it requires certain limitations, of course by mutual understanding.

2-30 P.M.

Mr. SPEAKER.—I suppose the House understands. I feel that these remarks are absolutely unjustified. If I have raised my voice, it is with a view to convey it to the members. Half-a-dozen members get up at a time and if I call upon them repeatedly, they do not sit, and with my loud voice, they feel hurt. Calling the House to order, is not to anybody, but everybody, who violates the rule. If my calling to order is felt by the Hon'ble member as something infringing upon his dignity and status, I think that the member has got very peculiar notions. I talk loudly, because the members do not heed to my request. If the members have got that sensitiveness, as the member indicates, it is quite sufficient. The member has violated the rule by speaking again when I was on my legs. If the member apologises it is all right; if he does not, I ask him to retire from the House.

Sri AZEEZ SAIT.—I feel, I have not committed any mistake. If you feel that I have wounded anybody's feelings, I apologise.

Sri H. SIDDAVEERAPPA.—The curtain is drawn.

Mr. SPEAKER.—I will give the Ruling about the point raised. When the members do not heed to my request, what else should I say? No member should speak until I call upon him.

Sri V. N. PATIL.—So far, I have attempted to speak three or four times. If you permit me, I will speak; otherwise I will sit down.

Mr. SPEAKER.—I will try to give him a chance but if a dozen members get up at a time, what can I do?

A point has been raised as to whether there is any vicarious liability on the part of the Leader of the Opposition—with regard to what, I do not know. Evidently, it refers to the question that I put to the Leader of the Opposition as to whether he agrees with what is being said by some members of the House. I took him as the Leader of the Opposition of the whole Opposition and that nobody is excluded. But, there should be co-ordination. Otherwise, he is no Leader. He should control all these members. I do know that it is not an easy job.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಸ್ವಾಮಿ, ನಿಮ್ಮ ವೈಯಕ್ತಿಕ ರಿಮಾರ್ಕ್ಸ್ ಬಗ್ಗೆ ನಾನು ಹೇಳಬೇಕಾಗುತ್ತದೆ.

ಶ್ರೀ ಬಿ. ಪಿ. ಗಂಗಾಧರ್.—ಲೆಡರ್ ಆಫ್ ದಿ ಆಪೋಜಿಷನ್ ಲಘು, ಅದನ್ನು ನಾವು ಮಾಡುವುದು ಅದರಿಂದ ನಮ್ಮ ಮರ್ಯಾದೆ ಹೋಗುತ್ತದೆ. ಇದು ಬಹು ಹಾರ್ಡ್ ರೋಲಿಂಗ್ ಆಗುತ್ತದೆ. Hence I request that portion must be expunged.

ಶ್ರೀ ಮಹದೇವ್ ಜಿ. ಬಣಕಾರ್.—ಅಪೋಜಿಷನ್ ಲೆಡರ್ ಮೇಲೆ ತಾವು ರಿಮಾರ್ಕ್ಸ್ ಮಾಡುತ್ತಿದ್ದೀರಿ.

Sri B. P. GANGADHAR.—If anything is said to the Leader of the Opposition, it is to every one of us. Therefore, I request you to kindly expunge that portion.

Sri K. H. PATIL (Gadag).—I rise to a Point of Order.

Mr. SPEAKER.—Is he entitled to raise a Point of Order when Ruling is given? Under what rule?

Sri K. H. PATIL.—I am raising a Point of Order regarding the mode of business that is going on.

† Sri H. SIDDAVEERAPPA.—Sir, I did not raise any Point of Order. Let me be clearly understood. My respectful submission is this. When we speak as members on this Side, is there vicarious liability on the part of the Leader of the Opposition? Of course, we respect him as our Leader, he is our Leader, and he is our acknowledged Leader—there is no doubt about it. But the point is about this oft-repeated, if I may say so, observation made by you: “can’t the Leader of the Opposition control his group”, which everyone of us may feel. When some of us are taking part in the discussion whatever strikes to the mind of the member, he will speak, and if it is highly irrelevant, you are there to pull him up. But, to drag in the name of the Leader of the Opposition may not be, in my humble opinion, wholly correct. Every time, he cannot ask anybody to do this or that. Nobody thinks that he should do anything outside the orbit of the rule. I did not raise any Point of Order, where a Ruling is called for. I submitted that he is our respected Leader and that his name should not be dragged in off and on.

Mr. SPEAKER.—I am told that the Hon’ble Member, Sri Siddaveerappa does not expect any Ruling on the representation made by him. He has made the position very clear that I need not give a Ruling. If Rules are violated by individuals, the action taken by the Speaker against any offending member will not in any way be open to criticism. I was trying to avoid such a situation and I was trying to co-ordinate and see that such a situation does not arise in this House. The question is not punishing or criticising anybody for violating the rules. The simple point before the House, for which so much time is spent, is whether if a member is arrested by a warrant by the Police or for any criminal action, the privilege covers it or not? It is a very simple matter. Clear explanation is there either in the books or previous Rulings. If there is anything to be said by the Hon’ble members, I will extend the time. If the privileges and rights of the members are to be raised, I don’t want to shut out anybody from participating in the debate, usefully. But the members are going on repeating what has already been said. If a person is arrested in pursuance of a criminal case, no question of privilege arises. Giving protection to such a member is not in existence either in the Lok Sabha or anywhere else.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ :—ಒಂದು ವೇಳೆ false, fabricated complaint ಮಾಡಿ, ನನ್ನನ್ನೂ, ತಮ್ಮನ್ನೂ, ಈಗ ಸಭೆ ಮುಗಿದ ಕೂಡಲೇ ಐ. ಜಿ. ಪಿ. ಅವರು ಅರೆಸ್ಟ್ ಮಾಡಿದರೆ ಈ ಸಭೆ ಏನಾದರೂ ನಮಗೆ ರಕ್ಷಣೆ ಕೊಡಬಲ್ಲದೇ ?

MR. SPEAKER.—A new point is raised which is purely hypothetical. still I would share my thoughts with him. He is relying upon some vague things and not upon any facts. This is a matter which has to be investigated and decided. It is to be considered whether a member has been arrested for any specific criminal charges. The protection does not arise in the case of criminal charges or proceedings, and also in the case of preventive detention. Privileges arise only in regard to civil proceedings. I am prepared to sit, if necessary, a little more time for this and I will keep it open till we assemble after Tea-break. I need not look to the Leader of the Opposition for making any co-ordination and to apply or to violate the rules.

† ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಅಧ್ಯಕ್ಷರೇ, ತಾವು ಕೆಲವೊಂದು ಸಲ ನಿಮ್ಮ ಹದ್ದು ಮೀರಿ ಮಾತನಾಡುತ್ತೀರಿ. ಈ ಸಭೆಯಲ್ಲಿ ವಿರೋಧಪಕ್ಷದ ನಾಯಕನ ವಿಚಾರವಾಗಿ ಕೆಲವು ಮಾತುಗಳನ್ನಾಡಿರತಕ್ಕದ್ದು, ನಾನು ಹೇಳುತ್ತೇನೆ, ನಿಮ್ಮಲ್ಲಿರುವ ಗೌರವ, ಪ್ರತಿಷ್ಠೆ, ಎಷ್ಟೊಂದು ಇಟ್ಟಿದ್ದೇವೆ, ಅದನ್ನು ತಾವು ಎಷ್ಟು ಮಾತ್ರ ಉಪಯೋಗಿಸಬಹುದೋ ಅಷ್ಟು ಉಪಯೋಗಿಸಬಹುದೇ ಹೊರತು ಅದನ್ನು ಸ್ವಲ್ಪ ಮೀರಿದರೆ ನಿಮ್ಮ ಸ್ಥಾನಕ್ಕೆ ಏನು ಮರ್ಯಾದೆ ಬರುತ್ತದೆ ಎನ್ನುವುದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ವಿರೋಧಪಕ್ಷದ ನಾಯಕನಾಗಿ ಅರಿಸಿರುವವರು ವಿರೋಧಪಕ್ಷದ ಸದಸ್ಯರು. ಆ ವಿಚಾರವನ್ನು ತಾವು ಪುನಃ, ಪುನಃ ಒತ್ತಿ ಒತ್ತಿ ಹೇಳಿ, ಕಷ್ಟ ಬಂದಾಗ, ಸಭಾಸದಸ್ಯರನ್ನು ಸರಿಯಾಗಿ ಹತೋಟಿಯಲ್ಲಿಟ್ಟುಕೊಳ್ಳಲು ಕೃತಿಮೀರಿದಾಗ ನಮ್ಮ ರಕ್ಷಣೆ ಕೇಳುತ್ತೀರಿ. ಸಭೆಯ ನಡವಳಿಕೆ ನಡೆಸುವುದು ತಮ್ಮ ಜವಾಬ್ದಾರಿ. ಪ್ರತಿಯೊಬ್ಬ ಸದಸ್ಯರು ಮಾತನಾಡತಕ್ಕದ್ದು ಕಾನೂನಿಗೆ ಅಥವಾ ರೂಲ್ಸ್ ಆಫ್ ಪ್ರೊಸೀಜರಿಗೆ, ನಡವಳಿಕೆಗೆ ಅನುಗುಣವಾಗಿದೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವುದನ್ನು ತಾವು ಹೇಳಬೇಕಾದಿದೆಯೇ ಹೊರತು ನಾನು ಇಲ್ಲಿ ಕುಳಿತು ನಿಮ್ಮ ಕೆಲಸ ಮಾಡಬೇಕಾದರೆ ಎಷ್ಟೊಂದು ಅಪಹಾಸ್ಯವಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ಯೋಚನೆ ಮಾಡಿ. ಪಾರ್ಲಿಮೆಂಟರಿ, ಅನ್-ಪಾರ್ಲಿಮೆಂಟರಿ ಪ್ರಿವಿಲೀಜಸ್, ಸರಿಯಾಗಿ ಮಾತನಾಡಿದರು, ಇಲ್ಲ ಎನ್ನುವುದನ್ನು ಯೋಚನೆ ಮಾಡಿ ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡಿಸುವವರು ತಾವಾಗಿದ್ದೀರಿ. ನಾನು ಅದಕ್ಕಾಗಿ ಕುಳಿತುಕೊಂಡಿಲ್ಲ. ಲೀಡರ್ ಆಗಲಿ, ಯಾರೇ ಆಗಲಿ, ಅದನ್ನು ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ತಾವು ಆ ಕೆಲಸವನ್ನು ಮಾಡಬೇಕು, ಬೇರೆಯವರ ಮೇಲೆ ಅದನ್ನು ಹೊರಿಸಬೇಡಿ ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಮುಕ್ತವು ಪ್ರಯತ್ನ ಪಡುತ್ತೇನೆ.

MR. SPEAKER.—I am glad I have got a suggestion and I would accept this as an advice given to me. I have been desired by the representation made now or suggestion given that I should act wisely and of course it is for me to enforce rules against the members.

SRI K. H. PATIL.—We observed to-day that during the discussion the Speaker many a times directed us not to interfere while speaking or while taking up the matter. I am given to understand that every member has got every right to have his say in every matter. Every member has got equal rights as Mr. Speaker is having. The Speaker will have to hear every member. Even if all the 215 members want to participate, they will have to be given chance.

MR. SPEAKER.—How many chances—is it only once or so many times?

SRI K. H. PATIL.—As many times as possible.

Mr. SPEAKER.—If a point of order is raised, I have to hear as many a time as they like.

Sri K. H. PATIL.—My rights are protected and no one can prohibit me from exercising my right. The speaker cannot prohibit a member to exercise his right. They are here to exercise their rights. There is some parliamentary procedure to be followed. The Leader of the opposition cannot control our mind. Therefore there is nothing to sympathise with the Leader of the Opposition. We on the opposition side have every right to participate in the debate for which the leader cannot put a stop. We are not here to sit down simply without expressing our opinion. We have to express our opinion whether it is right or wrong. A member of this House has been arrested discriminately in violation of law by making use of Police by the ruling Party. The Hon'ble member was sitting here in the House till evening. He was in his residence in the whole night of yesterday. It was pre-planned to arrest him and he was arrested.

† **Sri V. N. PATIL.**—What was the reason for arresting him today? Why was he not arrested yesterday when the incident took place and when the workers were beaten relentlessly? Was it necessary for the Police to arrest him this morning? That only goes to show that they want to further the cause of the ruling class. They want to prevent members from exercising their valuable right. We protest against this indiscriminate arrest and we want an assurance from the Hon'ble Chair that no such thing will be tolerated in future. It is clear that it was done to further the political ends of the ruling party. We wanted to bring to the notice of the House regarding the injustice done to Madhugiri people. It is in order to crush the opposition that these police are used, not in order to investigate a wrong thing done, nor to see that the culprits are booked, nor in order to see that cases are properly conducted. As an advocate, I have experience. 90 per cent of the acquittal cases are due to improper conduct of cases and the benefit of doubt naturally is given to accused. This police is used to harass the opposition and not to maintain law and order. I charge the Government that innocent people are being crushed and it should not take place in future.

Mr. SPEAKER.—What is the point before the House? The member says anything coming uppermost in the mind?

Sri V. N. PATIL.—Should we sacrifice our right?

Mr. SPEAKER.—Let him not sacrifice it.

Sri V. N. PATIL.—There must be some courtesy and decency in arresting a member. He is a person representing the working classes. You want to suppress the working classes. It can be compared to South African concentration camps where freedom fighters and fighters for human rights and as main vanguard the working class are ruthlessly crushed. If such state of things are allowed to happen here in our State day in and day out, and that too in the name of democracy, God even will find himself helpless and these Brass hats, brucates, may spring up

as dictators to doom the democracy over whose false reports the power monger Congress is striving to rule ruthlessly. I strongly condemn and protest against this indiscriminate harassment and arrest of comrade Krishnan and this is an open challenge to this House by the police by arresting one after another member without any reason.

† SRI H. SIDDAVEERAPPA.—Apart from technicalities, are you sustaining that criminal warrant issued amounts to a breach of privilege? That is a matter on which you are the supreme judge and you can give your ruling. But some friends feel that the privileges of members have been curtailed. It might have been or it might not have been. That is a different matter. Now the point is : I am really hurt by the way in which the Leader of the Opposition has been treated. Naturally, as any human being, he has taken very much to his heart some of the observations made by you. I have the greatest respect for the Chair and if you are to build up any democratic traditions in this country we have to respect each other. Of course, there are friends like Aziz Sait who feel give respect and take respect. That is also one view of it. It is a human way of looking at things. When I raised a point of order with my parliamentary experience, I just wanted to inject humour in a lighter way ; when the matter was going on in a heated mood, I just wanted to say in a jovial mood whether my friend can use neuter gender. Of course you have given your ruling that it is ridiculous. I said it in a lighter way. But I respectfully submit that any observation made by you against the Leader of the Opposition or any observation in connection with his duties may kindly be taken off the record. It will not be right because today we are building a nascent democracy. Today on this side, the Leader of the Opposition may be sitting ; but a time may come when we may have to change sides. Let it not go on record that Leader of Opposition is a person who has got this kind of calibre. Of course you may draw your inference. My friends on the other side have not expressed any opinion. I do not find fault with them. Probably, they are a well-knit party and they have to sit mum. All sorts of epithets may be avoided. You, whom we have claimed as our guide should be able to treat us with respect. Let there not be a semblance of feeling in the mind of anybody that we are held to ridicule. With this object in view I humbly appeal to you that any reference you have made about the Leader of the Opposition may kindly be directed to be removed from the records.

MR. SPEAKER.—I will consider it. The House will now rise and reassemble at 3-30 P.M.

The House rose at Three of the Clock to re-assemble at Thirty Minutes past Three of the Clock.

The House reassembled at Thirty Minutes past Three of the Clock.

(MR. SPEAKER in the Chair).

MR. SPEAKER.—His point is that I am bound to allow any member any numbers of times. I have not given a ruling and till then all argument holds.

SRI S. D. KOTHAVALA (Sankeswar).—My intention is to make a submission regarding the point of privilege raised by the hon'ble member on the other side. While proposing to say something about the point of privilege raised, I want to make one thing clear to the hon'ble members of this House that I yield to none of the hon'ble members here regarding the protection of any privileges of this House or any individual member possesses.

Having said this, I would like to advert to the point raised by my friend Sri Kalmankar. It is said that the arrest of one of the hon'ble members of this House in a criminal case amounts to a breach of privilege. The point is discussed from several viewpoints. The point here is, what is the constitutional position regarding arrest of an hon'ble member in a criminal case; that is the constitutional aspect. Secondly, the other aspect raised is whether the allegations that are made against the hon'ble member for the purpose of making the arrest of the hon'ble member are true or not true; that is another aspect.

With respect to the first aspect my submission is, that arrest in a criminal case constitutionally and legally does not amount to breach of privilege. Without enlarging on that point very much, I read a portion from the May's Parliamentary Practice on page 78. It is stated :

“ Privilege of freedom from arrest is limited to civil cases and has not been allowed to interfere with the administration of criminal justice or emergency legislation ”

There are many cases quoted by the learned Author here and I do not want to take the valuable time of this House by quoting them. But the position is clear that an arrest in a criminal case does not amount to a breach of privilege.

The second point that is agitated by some of the hon'ble members is that the allegations against hon'ble member Sri Krishnan regarding his arrest are not true. Now, the question is, when a person is arrested in a criminal case, who is to judge the veracity, the correctness or otherwise of the allegation or the charges made? That goes to the judiciary. Under the Constitution that we have given to ourselves, it is clear that the State has three different functions to perform—Legislative, Executive and Judiciary. When the Executive, in the discharge of their duties cast upon them by law, do certain investigation into the offences that took place or alleged to have taken place and come to certain conclusions as a result of the investigation and they make arrests or do such other things according to the powers conferred upon them by law, it will be quite in order. Therefore, they have

investigated and found that some A, B, C has committed certain offence and there is *prima facie* case against him, they have right to make an arrest. After making the arrest, it is certainly their duty to place the matter before the competent court and it is for that competent court to decide whether the allegations made or the incidence attributed to him are properly proved or not. If they are not proved, the person is discharged and if they are proved, he will be convicted and punished. That is the role of the judiciary. One hon'ble member on the other side said that the hon'ble member who is arrested was sitting in this House all along and it is not possible to commit an offence. It is a defence and the only advice I can give, if at all I can give, is that this hon'ble gentleman should go and tender evidence in the court of law, as a defence witness.

Sri H. SIDDAVEERAPPA.—Also engage you as his lawyer?

† Sri S. D. KOTHAVALA.—We cannot take charge of carrying on the judicial enquiry. It is not good to waste the time of the House in this manner. What I wish to submit is, we should not assume the judicial role. Therefore on that point if the press reports are correct, I want to bring to the notice of the Hon'ble members one point. The incident attributed to Sri M. S. Krishnan have occurred in the early hours of yesterday if the reports are correct round about 7 or 7.30 a.m. and not during the time when the House was in session. Therefore I shall leave it at that. I am not on the point whether the police are correct or Sri Krishnan wants to say anything in defence. We should not assume the charge of judiciary here and judge the truth or correctness of that position.

In the rules of procedure the only duty cast on the police officers is enunciated in rule 184.

“When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Schedule II.”

Here, the position is, this House has framed these rules and all that the rule requires is that in the case of arrest of a member the officer concerned or the judicial officer concerned, has to report the matter to the Speaker. The rule does not say anywhere that arrest is a breach of privilege. If the Hon'ble member is within the precincts of the House, he can be arrested with the permission of the Chair. Let us understand that position. While claiming privilege I submit that the members should try to see the trend regarding the matters of privilege. The trend is that the privileges are over and above what the ordinary

(SRI S. D. KOTHA VALE)

citizens have. On this point I shall read from the May's Parliamentary Practice :

“Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals”.

Therefore, privileges are something uncommon, not possessed by ordinary citizens. Now the tendency is to bridge it as far as possible and to see that the Hon'ble members of the Parliament and the Legislature do not claim any special or uncommon rights which are not so thoroughly essential for the discharge of duties as members of this House or Parliament. That is the position.

Therefore, while claiming this privilege, we should be careful and not unnecessarily do things which in the eyes of law as enforced outside the House should be something which should attract police. This, we can do by convention. The Hon'ble members know that there is no codified enactment and our privileges are the same in the House of Commons. Therefore the matter is more or less developed by conventions and has to be developed by conventions. Therefore, as members we should not claim any extra rights which are not shared by common citizens. Apart from that fact the privileges are only necessary to enable the members to function as such. Implication in a criminal case and arrest in consequence thereof can never constitute a privilege. Therefore that point should not be considered. I request the members through you that they should not assume the powers of judiciary for judging the allegation on which the member is arrested. It is not for us and let us leave it judiciary.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಶ್ರೀಮಾನ್ ಕೊಥಾವಾಲೆ ಅವರು ಶಾಸನ ಸಭಾ ಸದಸ್ಯರ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳ ವಿಚಾರದಲ್ಲಿ ಮಾತನಾಡುತ್ತಾ ಅವರು ಸಾಮಾನ್ಯ ವಿಷಯಗಳ ನೈರಾ ಹೇಳಿದ್ದಾರೆ. ಅವರು ಶಾಸನ ಸಭಾ ಸದಸ್ಯರಿಗೆ ಎಷ್ಟರ ಮಟ್ಟಿನ ಹಕ್ಕು ದೊರೆಯುತ್ತದೆ, ಅವರಿಗೆ ಒಂದು ರಕ್ಷಣೆ ದೊರೆಯುತ್ತದೆ ಅನ್ನುವುದನ್ನೂ ಹೇಳಿದ್ದಾರೆ. ಅವರು ಮಾತನಾಡುತ್ತಾ ಕ್ರಿಮಿನ್ ಪೂರ್ಟೀಜರ್ ಕೋಡಿನ ಪ್ರಕಾರ ತಪ್ಪು ಮಾಡತಕ್ಕವರನ್ನು ಬಂಧಿಸತಕ್ಕ ವಿಷಯದಲ್ಲಿ ಮತ್ತು ಅದಕ್ಕೇ ಸಂಬಂಧಪಟ್ಟ ಇನ್ನಿತರೇ ವಿಷಯಗಳ ಬಗ್ಗೆ ಈ ಸಭೆಯು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ರಕ್ಷಣೆ ಯನ್ನು ಕೊಡುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ಅವರು ಹೇಳಿದ ಮಾತುಗಳನ್ನು ಇತ್ತ ಕಡೆ ಇರತಕ್ಕ ನಾವೂ ಸಹ ಒಪ್ಪುತ್ತೇವೆ.

SRI S. D. KOTHA VALE.—I would not have stated that. Things have occurred in a way probably you would not like.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ತಾವು ಕೇಳಿರತಕ್ಕದ್ದೂ ಸರಿಯೇ ಅದಕ್ಕೆ ಇಲ್ಲಿ ಬಂಧಿಸತಕ್ಕ ಮುಖ್ಯವಾದ ಪ್ರಶ್ನೆಯೆಂದರೆ ಇಲ್ಲಿ ಅಧಿವೇಶನ ನಡೆಯುತ್ತಿರುವಾಗ ಈ ಸಭೆಯ ಒಬ್ಬ ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್ ಎಂಬವರನ್ನು ಪೊಲೀಸಿನವರು ಬಂಧಿಸಿದ್ದಾರೆ ಅಂದರೆ ಇದರಲ್ಲಿ ಅವರು ಅವರನ್ನು ಬಂಧಿಸತಕ್ಕ ಕಾಲದಲ್ಲಿ ಅವರು ಸಭೆಯಲ್ಲಿ ಕುಳಿತಿರಲಿಲ್ಲ. ಅವರು

ಸಭೆಯ ಹೊರಗಡೆ ಇದ್ದರು ಅನ್ನುವುದು ಒಂದು ಅರ್ಥವಿದೆ. ಇನ್ನು ವಿಧಾನ ಸಭೆಯು ಅಧಿವೇಶನ ದಲ್ಲಿದ್ದಾಗ ಅವರಿಗೆ ಅಂದರೆ ಸದಸ್ಯರಿಗೆ ಏನೇನು ರಕ್ಷಣೆಗಳಿದ್ದುವೋ ಅವುಗಳನ್ನೆಲ್ಲಾ ಒಂದೊಂದೇ ಮೊಟಕಾಗುತ್ತಾ ಬಂದು ಈ ದಿವಸ ಅದು ಎಲ್ಲಿಗೆ ಇಳಿದಿದೆ ಎಂದರೆ ಬಂಧನಕ್ಕೊಳಗಾಗತಕ್ಕಂಥ ವ್ಯಕ್ತಿ ಅಧ್ಯಕ್ಷರ ಕುರ್ಚಿಯ ಕೆಳಗೆ ಇಲ್ಲವೆ ಅವರ ಮೇಜಿನ ಕೆಳಗೆ ಇದ್ದರೆ ಮಾತ್ರ ಅವರನ್ನು ಬಂಧಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲ, ಇನ್ನು ಎಲ್ಲದರೂ ಅವರನ್ನು ಪೊಲೀಸರು ಬಂಧಿಸಬಹುದು ಅನ್ನುವ ಮಟ್ಟಕ್ಕೆ ಇಳಿದಿದೆ. ಈ ಹಿಂದೆ ಮಣಿರಾಮೊಂಬಾಗಿ ಅವರನ್ನು ಪೊಲೀಸರು ಬಂಧಿಸುವಾಗ ಅವರು ಬಾಗಿಲೊಳಗಿದ್ದರೆ ಮಾತ್ರ ಅವರಿಗೆ ರಕ್ಷಣೆ ದೊರಕುತ್ತಿತ್ತೆಂದು ಹೇಳಿ ಅವರನ್ನು ಪೊಲೀಸರು ಬಂಧಿಸಿದು ಮತ್ತು ಡಾ|| ರೋಹಿಯಾ ಅವರನ್ನು ಅಧಿವೇಶನ ನಡೆಯುತ್ತಿದ್ದಾಗ ಪೊಲೀಸಿನವರು ಬಂಧನಕ್ಕೊಳಪಡಿಸಿದ್ದು ತಪ್ಪೆಂಬುದಾಗಿ ಸುಪ್ರೀಂ ಕೋರ್ಟಿನಲ್ಲಿ ತೀರ್ಮಾನವಾಗಿದೆ.

ಅದುದರಿಂದ ನಾನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಅಧ್ಯಕ್ಷರಲ್ಲಿ ಏನಂತಿ ಮಾಡಿಕೊಳ್ಳುವುದೇನೆಂದರೆ ಈ ನೋಟೀಸಿದೆಯಲ್ಲಾ ಇದು ಕ್ರಮವಾಗಿದೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ, ಹಾಗೆ ಇದು ಕ್ರಮವಾಗಿದ್ದರೆ ಇದನ್ನು ಒಂದು ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ರೂಪದಲ್ಲಿ ತರುವುದಕ್ಕೆ ಈ ಸಭೆಯಲ್ಲಿ ಇದಕ್ಕೆ ಬೆಂಬಲ ಕೊಡತಕ್ಕ ಜನರು ಹತ್ತು ಮಂದಿ ಇದ್ದಾರೆಯೇ ಇಲ್ಲವೇ ಪರಿಶೀಲಿಸಿ.

ಇನ್ನೊಂದು ಶ್ರೀಮಾನ್ ಕೃಷ್ಣನವರು ಸ್ವಾಭಾವಿಕವಾಗಿ ಈ ಮನೆಯ ಒಬ್ಬ ಮಾನ್ಯ ಸದಸ್ಯ ರಾಗಿದ್ದಾರೆ. ಇಂತಹವರು ಇಂದು ಎಂದರೆ 13 ನೇ ತಾರೀಖು ಬೆಳಿಗ್ಗೆ ಅರೆನ್ನು ಮಾಡಲ್ಪಟ್ಟಿದ್ದಾರೆಂದು ತಮಗೆ ಇಂದು ಬೆಳಿಗ್ಗೆ ಕೊಟ್ಟನೋಟಿಸಿನ ಪ್ರಕಾರ ಪೊಲೀಸಿನವರೂ ಕೂಡ ತಮ್ಮ ಗಮನಕ್ಕೆ ತಂದಿದ್ದಾರೆ. ಹಾಗೆ ಇವರನ್ನು ಬಂಧಿಸಿರುವುದು ದುರುದ್ದೇಶಪೂರಿತವಾಗಿ ಇದೆ ಮತ್ತು ಸರಕಾರದವರು ತಮಗಿರುವ ಕಾನೂನನ್ನು ದುರುದ್ದೇಶಪೂರಿತವಾಗಿ ಉಪಯೋಗಿಸಿಕೊಂಡು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ಬಂದಿದ್ದಾರೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವುದೇ ಇಲ್ಲಿ ಪ್ರಧಾನವಾಗಿರುವ ಪ್ರಶ್ನೆ. ಇದರ ಬಗ್ಗೆ ನಾವು ಇಲ್ಲಿ ಕುಳಿತು ಚರ್ಚೆ ಮಾಡುವುದರಲ್ಲಿ ಮಾತ್ರ ಇದರಲ್ಲಿ ಹೇಳಲಾಗಿದೆ. ಇದರ ಕಾರ್ಯ ವ್ಯಾಪ್ತಿಯನ್ನು ನಾವೇನೂ ಮೊಟಕು ಮಾಡುತ್ತಿಲ್ಲ. ಇದು ನಮ್ಮ ಮನೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯ. ಈ ಮನೆಗೆ ತಾವೇ ಹೇಳಿರುವ ಪ್ರಕಾರ ಯಾವುದಾದರೂ ಒಂದು ವಿಷಯ ಕೋರ್ಟಿನಲ್ಲಿ ವಿಚಾರಣೆಗೆ ಒಳಪಟ್ಟಿದ್ದಾಗ್ಯೂ ಕೂಡ ಅದರ ಬಗ್ಗೆ ನಾವು ಇಲ್ಲಿ ಮನೂದೆ ಮಾಡುವುದಕ್ಕೆ ಮತ್ತು ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಇರುವ ಅವಕಾಶವನ್ನು ನಮ್ಮಿಂದ ಯಾರೂ ಕಿತ್ತುಕೊಳ್ಳುವುದಿಲ್ಲ. ಈ ಸಭೆಯ ಕಾರ್ಯಕ್ಕೆ ಧಕ್ಕೆ ಬರುವುದಿಲ್ಲ ಮತ್ತು ಈ ಅಸೆಂಬ್ಲಿಯು ಸಾರ್ವಭೌಮವಾಗಿರುತ್ತದೆ ಎಂದು ನಾನು ಇಲ್ಲಿ ಹೇಳುತ್ತೇನೆ. ನಿನ್ನೆ ದಿನ ಕೆರೋಸ್ಟರ್ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ನಡೆದ ಘಟನೆಗಳ ಬಗ್ಗೆ ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ಕೃಷ್ಣನವರವರೇ ಒಂದು ನಿಲುವಳಿ ಸಮಾಚಾರವನ್ನು ತಮ್ಮ ಕಡೆಗೆ ಕಳುಹಿಸಿದ್ದಾರೆ. ತಾವು ಅದನ್ನು ಒಪ್ಪುವದರೊಳಗಾಗಿ ಇಂದು ಈ ಸಭೆಯ ಸದಸ್ಯರನ್ನು ಬಂಧಿಸಿದ್ದಾರೆ. ಮತ್ತು ಕೆರೋಸ್ಟರ್‌ನಲ್ಲಿ ಯಾವ ರೀತಿಯಾದ ಘಟನೆಗಳು ನಡೆದಿವೆ ಎನ್ನುವುದನ್ನು ನಾವು ಈಗಾಗಲೇ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಓದಿದ್ದೇವೆ. ಅದರ ಪ್ರಕಾರ ಶ್ರೀಮಾನ್ ಎಂ. ಎಸ್. ಕೃಷ್ಣನವರು ಅಲ್ಲಿರುವ ಕಾರ್ಮಿಕರುಗಳ ಸಂಘದ ಒಬ್ಬರು ಮುಖಂಡರು ಎನ್ನುವುದು ತಿಳಿದು ಬರುತ್ತದೆ. ಇದರ ಬಗ್ಗೆ ಇಲ್ಲಿ ಹೆಚ್ಚು ಪ್ರಸ್ತಾಪ ಮಾಡಲು ಹೋಗುವುದಿಲ್ಲ. ಪೊಲೀಸಿನವರು ಅಲ್ಲಿ ಹೋಗಿ ಮುಷ್ಕರ ಹೊಡೆದಂತಹ ಕಾರ್ಮಿಕರ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡಿದ್ದಾರೆ ಹಾಗೂ ಅವರ ಮೇಲೆ ಟಿಯರು ಗ್ಯಾಸ್ ಪೆಂಗಳನ್ನು ಚೆಲ್ಲಿದ್ದಾರೆ ಮತ್ತು ಕಾರ್ಮಿಕರುಗಳಿಗೂ ಪೊಲೀಸರಿಗೂ ಪುರ್ಪಣೆಗಳಾಗಿ ಇಲ್ಲಿ ಬಡಜನರನ್ನು ಯಾರೂ ಕೆಳುವವರೇ ಇಲ್ಲದಂತಾಗಿದೆ. ಜನಕ್ಕೆ ಯಾವ ವಿಧವಾದ ಕಾನೂನು ಇಲ್ಲ, ಅವರು ತಿಳಿದುಕೊಂಡಿರುವ ಹಾಗೆ ಪೊಲೀಸಿನವರೊಬ್ಬರೇ ಪಿಸ್ತೂಲನ್ನು ಜೇಬಿನಿಂದ ತೆಗೆದು ಹಾರಿಸಿ ಬಹುದು ಜನ ಏನೂ ಮಾಡದಾರರು ಎಂದು ತಿಳಿಯಬಾರದು. ಒಂದು ವೇಳೆ ಜೇಬಿನಿಂದ ನಾನೇ ಪಿಸ್ತೂಲು ತೆಗೆದುಕೊಂಡು ಹೊಡೆಯಬಹುದು. ಅಮೇರಿಕಾ ಕಾನೂನು ಪ್ರಕಾರ ನನ್ನನ್ನು ಗಲ್ಲಗಿ ಹಾಕಬಹುದು ಇರಾಲ್ ಬೇರೆ ವಿಧವಾದ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬಹುದು. ಇದು ಬೇರೆ ಪ್ರಶ್ನೆ. ಜನರು ಹೊಡೆಯುವುದಿಲ್ಲ ಎನ್ನುವುದರಲ್ಲಿ ಇಲ್ಲಿರುವ ವಿಚಾರ. ಯಾರೇ ಆಗಲೇ ಕಾನೂನಿಗೆ ಬದಲಾಗಿರಲೇ ಬೇಕು. ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ಕೃಷ್ಣನವರು ಕಮ್ಯೂನಿಸ್ಟ್ ರಾಗಿದ್ದರಾದರೂ ಮತ್ತು ಇಲ್ಲಿರುವ ಕಾರ್ಮಿಕರ ಸಂಘದ ಮುಖಂಡರಾಗಿರುತ್ತಾರೆ ಎಂದು ನಾನು ಕೇಳಿದ್ದೇನೆ. ಅದರೂ ಈಗಿಂತಕ್ಕ ಕಾನೂನು ಪ್ರಕಾರ ಪೊಲೀಸಿನವರಿಗೂ ಕಾರ್ಮಿಕರಿಗೂ ಇಲ್ಲಿ ಹೊಂದಾಣಿಕೆ ಕಲಿಸಿಕೊಡುವಂತಹ ಮಂತ್ರಿಗಳು ಯಾರೂ ಈಗ ಇಲ್ಲ. ಇಲ್ಲಿರುವ ಕಾರ್ಮಿಕರುಗಳು ತಮ್ಮ ನ್ಯಾಯಯುತವಾದ ಬೇಡಿಕೆಗಳನ್ನು ಸಂಘದವರು ಮುಂದೆ ಇಟ್ಟಿದ್ದರು. ಇವೊತ್ತಿನ ದಿವಸ ನಮ್ಮ ರಾಜ್ಯದಲ್ಲಿ ಪೊಲೀಸು ಖಾತೆ ಹಾಗೂ ಕಾರ್ಮಿಕರ ಖಾತೆ ಇವೆರಡೂ ನಮ್ಮ ವಾನ್ಯ ಮಂತ್ರಿಗಳಾದ ಶ್ರೀಮಾನ್ ರಾಮರಾಯರ ಮೇಲೆ ಬಿದ್ದಿವೆ. ಇವರು ಕಾರ್ಮಿಕ ಖಾತೆಯ ಮಂತ್ರಿಗಳಾದ ಮೇಲೆ ನನಗೆ ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ ಬರೀ ಪೊಲೀಸು ಖಾತೆ ಮಂತ್ರಿಗಳಾಗಿಯೂ

(ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಕೃಷ್ಣ)

ಇರುವುದರಿಂದ ಬಹಳ ಜಖದ-ಸ್ಥಿತಿಯಿಂದ ಕೆಲಸ ಮಾಡಬೇಕು ಎನ್ನುವ ಒಂದು ಧೈಯದಿಂದ ಇಲ್ಲಿ ಜಖದ-ಸ್ಥಿತಿಯಿಂದ ಕೆಲಸ ಮಾಡುತ್ತ ಬರುತ್ತಿದ್ದಾರೆ ಎಂದು ನಾನು ತಿಳಿಯುತ್ತೇನೆ. ಅವರೂ ಅರೀತಿ ಮಾಡಬೇಕಾದುದೇ. ಅವರು ಪೋಲಿಸು ಇರಾಖೆಯಲ್ಲಿ ಜಖದ-ಸ್ಥಿತಿಯಿಂದ ಇರುವಾಗ ಅವರು ಕಾನೂನು ದುರುಪಯೋಗ ಮಾಡಿದ್ದಾರೆ ಎಂದು ನನಗೆ ತಿಳಿದು ಬಂದಿಲ್ಲ. ಆದರೆ ಇಲ್ಲಿ ನಡೆದಿರ ತಕ್ಕದ್ದು ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ಕೃಷ್ಣನವರು ಇಂದು ಈ ಸಭೆಗೆ ಬರಬೇಕಾಗಿತ್ತು ಮತ್ತು ಅವರೇ ಕಿರೋಸ್ಟರ್ ಮುಷ್ಕರದ ಬಗ್ಗೆ ಕಳುಹಿಸಿರುವ ಒಂದು ನಿಲುವಳಿ ಸೂಚನೆಗೆ ತಾವು ಒಪ್ಪಿದ್ದರೆ ಅದನ್ನು ಚರ್ಚೆ ಕೂಡ ಮಾಡಬೇಕಾಗಿತ್ತು. ಅಥವಾ ತಾವು ಒಪ್ಪದೇ ಇದ್ದರೆ ಅದು ಬೇರೆ ವಿಚಾರವಾಗುತ್ತಿತ್ತು. ನನ್ನ ಅದ ಘಟನೆಗಳಂತೆ ಪೋಲಿಸಿನವರು ಮತ್ತು ಗೃಹಪಾತೆಯ ಮಂತ್ರಿಗಳು ಮತ್ತು ಇತರ ಹೊಡ್ಡು ಹೊಡ್ಡು ಪೋಲಿಸು ಅಧಿಕಾರಿಗಳು ಎಲ್ಲರೂ ಸೇರಿಕೊಂಡು ಐ. ಪಿ. ಸಿ. ಯಲ್ಲಿ ಏನೇನು ಕಲಮುಗಳಿವೆಯೋ ಅವನ್ನೆಲ್ಲಾ ಹಾಕಿಬಿಟ್ಟು ಮಾನ್ಯ ಸದಸ್ಯರನ್ನು ಬಂಧಿಸಿ ಈ ಸಭೆಗೆ ಅವರು ಬಾರದಂತೆ ಮಾಡಿದ್ದಾರೆ. ಇದು ದುರದೈಶದಿಂದ ಮಾಡಿದ್ದು ಎಂದು ನಾನು ಇಲ್ಲಿ ಹೇಳುತ್ತೇನೆ. ಅದಕ್ಕಾಗಿ ಇದರ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡಲು ನಮ್ಮೆಲ್ಲರವೆಲ್ಲವಿರೇಬು ಕಮಿಟಿಗೆ ಇದನ್ನು ರೆಫರ್ ಮಾಡಬೇಕೆಂದು ನಾನು ಇಲ್ಲಿ ಸೂಚನೆ ಕೊಡುತ್ತಿದ್ದೇನೆ. ಇದರಲ್ಲಿ ಎಲ್ಲ ವಿಚಾರಗಳನ್ನು ವಿಚಾರ ಮಾಡೋಣ. ಪ್ರಿವಿಲೇಜು ಕಮಿಟಿಗೆ ಇದನ್ನು ರೆಫರ್ ಮಾಡಿದರೆ ಇದರಿಂದೇನೂ ತಪ್ಪಾಗುವುದಿಲ್ಲ. ಅವರೇನು ಫೈಂಡಿಂಗ್ ಕೊಡುತ್ತಾರೋ ಅದನ್ನು ನಾವು ವಿಚಾರ ಮಾಡಬಹುದು. ಹಿಂದೆ ಈ ದೇಶದಲ್ಲಿ ಮಾನ್ಯ ಸಭೆಗೂ ಗೊತ್ತಿರುವಂತೆ ವಿಧಾನ ಸೌಧ ಚಲಿಸಿ ನಡೆದಾಗ ನನ್ನನ್ನು ಬಂಧಿಸಿದ ಕೇಸು ಇನ್ನೂ ಈಗಲೂ ಇದೆ. ಇದೇ ರೀತಿ ಧಾರವಾಡದಲ್ಲಿ ಹಿಂದೆ ಸುಮಾರು 60 ಕೊಠಡಿಗಳು ಅಗಿದ್ದವು ಎಂದು ವರದಿ ಬಂದಾಗ ಇದರ ಬಗ್ಗೆ ಮಾನ್ಯ ಗೃಹಮಂತ್ರಿಗಳು ಇಲ್ಲಿ ಹೇಳುವಾಗ ಕೊಠಡಿಗಳು ನಡೆಯಿತು ಎಂದು ಹೇಳಿದರು. ಇಲ್ಲಿ ಎಂದು ಹೇಳಲಿಲ್ಲ. ಇವುಗಳೆಲ್ಲ ಆರು ಕೇಸುಗಳಲ್ಲಿ ಶಿಕ್ಷೆಯಾಗಿದೆ ಇನ್ನೂ ಹನ್ನೊಂದು ಕೇಸುಗಳು ಬಾಕಿ ಇವೆ ಎಂದು ಹೇಳಿದ್ದು ನೆನಪಿರ ಬಹುದು. ಇದರಿಂದ ಪೋಲಿಸು ಇರಾಖೆ ಎಷ್ಟು ಚೆನ್ನಾಗಿ ಕೆಲಸವನ್ನು ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆ ಎನ್ನುವುದು ಗೊತ್ತಾಗುತ್ತದೆ ಮತ್ತು ಇದರಿಂದ ದೇಶದಲ್ಲಿ ಪೋಲಿಸಿನವರು ಯಾವ ರೀತಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದಾರೆ ಎನ್ನುವುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ. ಹಿಂದೆ ನನ್ನ ಮೇಲೆ ಕೇಸು ಹಾಕು ವಾಗಲೂ ದರೋಡೆ, ಲೂಟಿ ಇನ್ನೂ ಏನೇನೋ ಮಾಡಿದ್ದಾರೆ ಎಂದು ಕೇಸು ಹಾಕಿದ್ದಾರೆ. ಅದು ಬೇರೆ ವಿಚಾರ. ಅದುದರಿಂದ ಇಲ್ಲಿ ನನ್ನ ಪ್ರಾರ್ಥನೆ ಏನೆಂದರೆ ಈ ಸಭಾ ಸದಸ್ಯರನ್ನು ಆಕ್ರಮ ವಾಗಿ ಬಂಧಿಸಿದ್ದಾರೆ ಎಂದು ಒಂದು ಸೂಚನೆ ಕೊಡುವಾಗ ಅದನ್ನು ಪ್ರಿವಿಲೇಜು ಕಮಿಟಿಯವರು ವಿಚಾರ ಮಾಡಿ ಅದು ತಪ್ಪೆ ಅಲ್ಲವೇ ಎನ್ನುವುದನ್ನು ಹೇಳಲು ಒಂದು ಅವಕಾಶವಾಗುತ್ತದೆ. ಅದ ಕ್ಕಾಗಿ ಇದನ್ನು ಆಡಮಿಟ್ ಮಾಡಬೇಕೆಂದು ಕೇಳುತ್ತಿದ್ದೇನೆ ಮತ್ತು ಇದನ್ನು ವಿಚಾರಣೆ ಮಾಡ ಬೇಕು ಎಂದು ಜವಾಬುದಾರಿಯಿಂದ ಹೇಳುತ್ತಿದ್ದೇನೆ ಮತ್ತು ಇದರ ಬಗ್ಗೆ ಈಗಾಗಲೇ ಇತರ ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳಿರುವಂತೆ ಪೋಲಿಸರು ಬಹಳ ಜೋರಾಗಿ ವರ್ತಿಸಿದ್ದಾರೆ. ಅದುದರಿಂದ ಇದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಲು ಅವಕಾಶ ಮಾಡಿಕೊಡಬೇಕೆಂದು ನಾನು ತಮ್ಮೆಲ್ಲ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Mr. SPEAKER.—Does the member think it arises in this question of privilege?

SRI M. NAGAPPA (Raichur).—Sir, in support of the question of privilege that has been submitted to the Chair, I would like to substantiate that there is a breach of privilege in arresting the Hon'ble Member Sri. M. S. Krishnan by the police. Here it is not an ordinary case of arrest.

4-00 P.M.

The first thing is the Session is going on. It is also a fact that the Member has attended the Session yesterday. It is also a fact that he has moved some adjournment motion before this House pertaining to some matter under which he has been arrested. Fourthly, it is also a fact that today in the morning he has been arrested by the Police. If it was an ordinary case of arrest, it could have been taken out of the

purview of breach of privilege. I too admit that, it may not be a privilege if it were an ordinary arrest, without any motive. But if a Member is arrested with certain motive, with a view to restrain him from attending the Session with ulterior motive, definitely the arrest amounts to a breach of privilege. Every Member has got the right to represent certain facts before this House. Besides, the Member has given notice of an adjournment motion. If he had not been arrested, he would have been present in the House and at this time he would have urged it. Had he come to this House today, I definitely say he would have submitted that motion. In order to suppress him and in order to take away that right, this Hon'ble Member has been arrested by the Police. Regarding that, my learned friend and leader Mr. Gopala Gowda has already placed the facts before the House. In support of that, I submit that there is a ruling of the High Court of Madras A.I.R. 1952, page 117 (the book I am having). I quote one part of the judgment which is as follows :

“ We however, readily concede the contention of Mr. Kumaramangalam that if a party in power detains a politician opponent continues his detention with the *mala fide* object of stifling the opposition and prejudicing and for such reasons.....”, “it amounts to the undermining the basis of the Constitution.” Certain facts had been alleged and they would have taken cognisance of the matter.

Here *mala fides* are attributed and it is the Privileges Committee which has to take cognisance of the case. It has to consider after recording evidence whether Mr. Krishnan was arrested with *mala fide* motives without any reason. If the privilege Committee comes to the conclusion that there were no *mala fides*, this House will accept their verdict. If the Committee were to come to the conclusion that there was breach of privilege, this House may punish the concerned persons. If the Privileges Committee submits a report that there was *mala fide* intention behind the arrest of Mr. M. S. Krishnan, definitely this House will take cognisance of the matter and persons responsible for the arrest will definitely be punished by this House. Now, for admitting this motion, there are important factors. First he has been arrested. Second, by his arrest, he has been restrained from appearing before the House. Thirdly, he has given notice of an adjournment motion. Fourthly, he has not been allowed to move that motion today; had he been present in the House today, he would have pressed it. In view of these wighty points, I request all the Members through you, that this matter may be referred to the Privileges Committee.

SRI AZEEZ SAIT.—SIR, In supporting what my learned and hon. friend Mr. Nagappa said now, I would deal with only chapter XX of the

(SRI AZEEZ SAIT)

Rules of Procedure and bring to the notice of the House Rules 177 to 181. I would in particular cite the following rule, namely, 182 :

“Notwithstanding anything contained in these rules, the Speaker may refer any question of privileges to the Committee of Privileges for examination, investigation or report.”

In accordance with Rule 183, the Speaker may issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee of Privileges or in the Assembly.” When I say this, there is breach of privilege in the instance on hand. Sri Kothavale quoted Rules 177 to 181. I will not argue anything about them. I want to invoke Rule 182 relating to the power of the Speaker to refer question of privilege to the Privileges Committee. The hon. Speaker has to refer to this Committee to determine whether Sri Krishnan was arrested with *mala fide* intention and with the object of restraining him from participating in the proceedings of this august House. You may say, it is my discretion. In the Rule quoted now, it is said the “Speaker may refer.” Instead of “may”, if “shall” had been used, you would have straightaway accepted our proposal to refer the matter to the Committee of Privileges. So, now the discretion lies with you. You, as the head of this august House, must kindly remember that we are not under the British rule; we are an independent country; we attained independence 20 years back. Before the liberation of the country, all the parties strove for sending the Britisher out of our country. The Congress Party says that it is responsible for the liberation of the country from the clutches of the Britishers. Now we have to struggle to get the people liberated from the hold which the Government is having on them. People have no liberty even today. Therefore, under Rule 182, please refer this matter to the Committee of Privileges for examination and report. Then only justice can be done. Then only, I will be an independent citizen of this country; then only I will be proud to call myself an independent citizen. ನೀವು ಹಿಂದೆ ಏನು ಬ್ರಿಟಿಷರಿಗೆ ಮಾಡುತ್ತಿದ್ದೀರೋ ಅದನ್ನು ನಮಗೆ ಈಗಲೂ ಮಾಡುತ್ತಿದ್ದೀರಿ, ಅಷ್ಟೆ. ಇನ್ನು ಏನೂ ಹೇಳುವುದಿಲ್ಲ.

SRI DIGAMBAR RAO B. KALMANKAR.—Under Rule 180(2), if objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places and if not less than 10 members rise accordingly, the Speaker shall intimate that leave is granted. This is my submission.

MR. SPEAKER.—Would the hon. Minister like to say anything ?

SRI M. V. RAMA RAO (Minister for Home and Labour).—Sir, Intimation of the arrest of Mr Krishnan, hon. Member of this House, was given to you as soon as arrest was made and you have informed the House of the fact of his arrest. I have since been informed that

soon after Sri Krishnan was arrested, he was taken to the Court and was remanded to the judicial custody; and have again been informed just now by the Home Secretary that he has subsequently been released on bail. There is no question of *mala fide* in this matter and I think it would not be proper for us to suggest when, why and how his arrest should have been made. If the Police have made an improper arrest, there are Courts to decide how they should be dealt with for making improper arrest of a person lawfully engaged in lawful activities.

(Sri Mahadev G. Banakar rose)

Mr. SPEAKER.—Order, order. Mr. Banakar may please note that, I am calling the House to order. I made an appeal. I am repeating it. If the Members want to say anything, they must catch my eye. If they try to do something by getting up and talking, I will give a general direction. Unless the Member is called upon, reporters need not take down anything. We are all standing on rights. Let us do everything according to the rights.

If hon. Members go on speaking it will not be a debate. If anybody wants to speak, he should ask the Home Minister who is speaking to yield and if he does not yield, members will wait till he finishes his speech.

Sri M. V. RAMA RAO.—I have really nothing more to say on the subject.

Mr. SPEAKER.—I will just explain the position and reserve my ruling, if necessary, giving a chance again for any member to satisfy me that what they say is correct. I do not want any feeling to reside anywhere that the problem has not received appropriate attention. The question that has arisen before the House is on account of a letter written by the hon. Member Sri Digambara Rao B. Kalmankar which runs thus :

“I raise a question involving a breach of privilege committed by the police by arrest of an hon. Member of the House Sri M. S. Krishnan on 13th December 1967 while the House is in sessions.”

There is nothing more in it; it does not say whether it is *bona fide* or *mala fide*. I requested the hon. Members at the very commencement to bear this in mind, namely, that this privilege does not extend so far as criminal litigation is concerned. It is not claimed at any time against the enforcement of proceedings from a criminal court. I refer to page 156 of More's Book.

“The privilege, at present, extends to all civil actions or suits during the time of Parliament and during the period when a member was journeying to or returning from Parliament.”

(Mr. SPEAKER)

This means that privilege of freedom from arrest is limited to civil cases. To put it in other words :

“No member of Parliament can be arrested during the continuance of Session, and for forty days before its commencement and after its conclusion.”

Whether there was an offence, I cannot decide, nor is it possible for the House to decide now. The question is whether a privilege extends to a warrant issued in criminal proceedings. Originally the privilege was not claimable in respect of arrest on charges (not on conviction) of treason, felony and breach of peace, but the principle has been applied not only to cases of indictable offences but also criminal offences in general. So, the distinction has always been maintained. That is why at the beginning I requested the members to concentrate on this point. If there is any ruling where it has been upheld that even in criminal cases it can be claimed as a privilege, I can understand. But there is no case where a warrant or arrest has been made in pursuance of a criminal proceeding and yet a privilege has been claimed and obtained. The privileges that we enjoy are the same as those of the members of the House of Commons as on 26th January 1950. I have taken infinite pains to find out whether there is a single case where it has been mentioned that this privilege has been claimed.

I will now refer to May's Parliamentary Practice. At page 78 it is stated that the privilege of freedom from arrest is limited to civil cases. It has been made very clear that this privilege has not been allowed to interfere with the administration of criminal justice or emergency legislation. That is why at the very beginning I requested Sri Kalmankar to satisfy me whether in criminal proceedings it has ever been admitted to be asserted and when asserted it has been protected. Let him show me at least where it has been asserted.

I will now refer to the 1952 case. The case referred to by Sri Nagappa is under the Preventive Detention Act. There, the scope of the decision was whether a member could not be sent under police escort with sufficient safeguards to see that he might or might not participate in the debate in the Parliament. Such a position is not here. The question is whether there is a breach of privilege or not. The hon. Member referred to certain observations. I suppose he knows the distinction between *obiter dicta* and adjudication. Adjudication of a court will not amount to a convention. What is a convention? Convention is one that is to be found in England. There must be at least an assertion; there is not a single case. The question of *mala fides* will come if the Government is going in a most reckless manner. Then, the hon. Member Sri Azeez Sait referred to Rules 182 and 183. I do not know how he can invoke those rules.

Sri AZEEZ SAIT.—The rule only says ‘may’.

Mr. SPEAKER.—This Hon'ble member has got his own ideas, which I am unable to understand or follow. I am dealing with the point raised by him and he says something, Rule 182 will come into operation not when Rule 178 has been invoked. If there is no question of notice, if the Speaker feels on appropriate occasion with a view to safeguard the rights of the member, it is there. But when the members themselves are taking it, where is the question of discretionary power of the Speaker being invoked? He rightly points out that the word used there is 'may'. Still, I do not know what exactly he wants. Therefore, this question may be dropped. I did not quite follow the intimate relation between the arguments that were advanced. Under Rule 183, I may issue directions. But, where does the question arise at this stage, I do not understand at all. Is there no mala fides committed? They say that there are mala fides from the report. Considerable complications will come in if this House again discusses, either on account of the matter being *sub judice* at this stage or later on. How many things will crop up? Therefore, I would like the members to think over it very well and satisfy me that there is a privilege and it is completely unassociated with any mala fides. There is nothing like a privilege being associated. By virtue, as a member, my privilege is there on certain things. Nothing should be done to prevent this important, inherent privilege, but not depending upon the bona fides of X, Y, Z. I am with-holding the Ruling till tomorrow.

About the communication, a reference was made to Rule 184. I have just received a communication saying :

"In continuation of my earlier report sent this morning regarding the arrest of Sri M. S. Krishnan, M. L. A., I have the honour to inform you that Sri M. S. Krishnan, was produced before the Second Magistrate, Bangalore City, this day at 11 A.M. by the Police, with a remand application. He was remanded to judicial custody up to 19th December 1967. He is presently lodged in Bangalore Central Jail. In the meanwhile his Counsel has moved for bail."

That is the information I have, and under the rules, I am bound to communicate any communication regarding the arrest or regarding the release. If I do not do it, I will be at fault.

Sri AZEEZ SAIT.—The Hon'ble Minister was pleased to say that he was released on bail. Your information is that the lawyer has moved for bail. Which is correct Sir?

Mr. SPEAKER.—I do not know what is correct and not correct. My duty is to communicate the information I have received. Rules provide that such communications must be intimated to the House. I have read it. Am I going to sit in judgement?

Sri AZEEZ SAIT.—According to Rule 184, the Speaker should get the latest information and not the Minister; every act and deed should be informed to you. Why was not the Speaker informed about this? That itself is a breach of privilege.

Mr. SPEAKER.—I am delivering the Ruling on the point raised by Sri K. H. Patil later on, either in the course of the day or at a later date

Calling attention to a Matter of Public Importance Under Rule 63

Sri T. R. SHAMANNA (Fort-Bangalore).—Sir, I call the attention of the Minister for Food and Civil Supplies regarding the unsatisfactory condition of supply position of food grains in ration depots and varying policies of Government leading to variation in the prices of food articles.

Sri B. D. JATTI (Minister for Food and Civil Supplies).—Sir, The Hon'ble Member has called attention to certain difficulties faced by the card holders in the Bangalore Informal Rationing Area, as a result of inadequate supplies of food grains to the Fair Price Shops. He has also stated that the quality of rice supplies is inferior, and that Tur Dhall and other Dhalls are sold at very high rates, and that the partial de-control of sugar is causing great hardship to consumers. He concludes that in recent months, on account of policy of Government the the prices of foodgrains has risen considerably high and the poor consumers are put to great hardship.

In response, I wish to make the following statement,—

2. The State is marginally deficit in foodgrains, and particularly in rice. The stocks of foodgrains held by Government were also somewhat lower owing to the difficulties in achieving the full targets of procurement during the previous season. The Government of India's allotment of foodgrains during the last few months has also been very low, and as far as rice is concerned, there have been no allotments at all in August, September, October, November.

3. It was against this background that during November 1967, and in the first two weeks of December 1967 the issues of rice had to be scaled down to 50 per cent of the normal quota. A similar reduction had to be effected in respect of wheat but the full quota has been restored in December, 1967. We have been able to secure an allotment of 3,000 tonnes of rice from the Madhya Pradesh and 1,000 tonnes from Andhra Pradesh just recently, and we are making all efforts to move these supplies quickly. We are therefore hopeful that the supply position of rice will improve, and that it would also be possible to maintain full issues of wheat. I may mention that these difficulties